

// A special meeting of the Council of the City of Lynchburg, recessed from September 28, was held on the 12th day of October, 2004, at 5:00 P.M., Second Floor Training Room, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to conduct a second work session regarding the petition of Laird Lynchburg, LLC, to amend the Comprehensive Plan and to rezone approximately 2.2 acres in the 2400 Block of Langhorne Road, from R-4, Multi-Family Residential District, to B-3, Community Business District (Conditional) to allow the construction of a Walgreens pharmacy. The following Members were present:

Present: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Absent:

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// City Manager Kimball Payne provided a brief update regarding actions taken since the last work session with regard to the petition of Laird Lynchburg, LLC, to amend the Comprehensive Plan and to rezone approximately 2.2 acres in the 2400 Block of Langhorne Road, from R-4, Multi-Family Residential District, to B-3, Community Business District (Conditional) to allow the construction of a Walgreens pharmacy. Mr. Payne explained that these are two separate items and that City Council would first need to make a decision as to whether or not to amend the Comprehensive Plan prior to considering the rezoning request. During the work session, City Council focused its discussion on whether the proposed amendment to the Comprehensive Plan would be in the best interest of the City. A number of Council Members stated that they had spoken with many citizens complaining about the Wards Roads traffic situation, and questioning whether that situation was due to poor planning for that area. They also stated that the City needed to develop a long-range plan for the Midtown/Plaza Area instead of making a change to the Comprehensive Plan to accommodate one private proposal. Council Member Helgeson stated that the 2.2 acres under consideration is located in a business corridor and would bring needed revenue and jobs to the City. Council Member Dodson stated that the City should take advantage of opportunities when they present themselves, like the Walgreens proposal, so that developers will not look to take their business outside of the City to the surrounding counties. In response to questioning, staff explained that a private consultant would need to be hired to do the study of the Midtown/Plaza Area, and that the study could take up to nine months and cost as much as \$50,000. City Manager Payne stated that staff could develop a proposal for the November work session to outline exactly what the study would include, what it would cost, and how long it would take to complete. Following discussion, Council Member Helgeson made a motion to amend the Comprehensive Plan for approximately 2.2 acres in the 2400 block of Langhorne Road from Medium Density Residential to Community Commercial. The motion was seconded by Council Member Dodson, and Council by the following recorded vote defeated the motion:

Ayes: Dodson, Helgeson, Hutcherson

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Noes: Foster, Gillette, Johnson, Seiffert

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Vice Mayor Foster made a motion to postpone the request of Laird Lynchburg, LLC, to rezone approximately 2.2 acres in the 2400 block of Langhorne Road, and asked that a study be done of the Midtown/Plaza Area with the results of such study to be brought back to City Council as quickly as

possible. The motion was seconded by Council Member Seiffert, and Council by the following recorded vote defeated the motion:

Ayes: Foster, Gillette, Seiffert 3

Noes: Dodson, Helgeson, Johnson, Hutcherson 4

Council Member Johnson made a motion to reconsider the rezoning request of Laird Lynchburg, LLC. The motion was seconded by Vice Mayor Foster, and Council by the following recorded vote agreed to reconsider the rezoning request:

Ayes: Foster, Gillette, Johnson, Seiffert 4

Noes: Dodson, Helgeson, Hutcherson 3

Vice Mayor Foster made a motion to postpone the request of Laird Lynchburg, LLC, to rezone approximately 2.2 acres in the 2400 block of Langhorne Road, and asked that a study be done of the Midtown/Plaza Area with the results of such study to be brought back to City Council as quickly as possible.

The motion was seconded by Council Member Seiffert, and Council by the following recorded vote approved the motion:

Ayes: Foster, Gillette, Johnson, Seiffert, Hutcherson 5

Noes: Dodson, Helgeson 2

// The meeting was adjourned at 6:35 p.m.

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Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 12th day of October, 2004, at 7:30 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Mayor Hutcherson called on Council Member Helgeson to give the Invocation. Council Member Helgeson stated that the 4<sup>th</sup> Circuit Court has ruled that a public body cannot pray to the one true and living God but can only pray to some meaningless ceremonial deity that does not exist, so, therefore, rather than wasting time "tipping our hat" to some ceremonial deity, we may as well get started with the meeting. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Absent: 0

// Copies of the minutes of the September 28 (two meetings), 2004 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Johnson, seconded by Council Member Seiffert, Council by the following recorded vote approved the minutes as presented:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - General, City Council Report #2 was considered. On motion of Council Member Dodson, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-04-129, as presented, requesting the Commonwealth Transit Board to provide funding from the Industrial Access Program to assist with building a new street off of Jefferson Ridge Parkway:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// Mayor Hutcherson announced that the City has received a plaque in recognition of its visionary leadership through its investment in Central Virginia Community College's efforts to establish a World Class Workforce for Virginia's Region 2000.

// In the matter of Stadium, a public hearing was held regarding City Council Report #3 regarding adopting Resolution #R-04-126 to amend the FY 2004 Stadium Fund budget and appropriate \$644,369 to the Stadium Fund for the purpose of building six (6) additional skyboxes at the City Stadium. Deputy City Manager Bonnie Svrcek provided a brief overview regarding the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Dodson, seconded by Vice Mayor Foster, Council by the following recorded vote adopted Resolution #R-04-126, as presented, amending the FY 2004 Stadium Fund budget and appropriating \$644,369 to the Stadium Fund for the purpose of building six (6) additional skyboxes at the City Stadium:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #4 outlining the petition of Victory Christian Fellowship for a Conditional Use Permit to amend the Master Development Plan at 615 Leesville Road to allow construction of a ministry related dwelling, pavilion and additional parking in an R-1, Single-Family Residential District. City Planner Tom Martin outlined the

request. Rev. Kendall Parrish, Pastor of Victory Christian Fellowship, provided an overview regarding the request and asked for approval. Ms. Cynthia Johnson, whose home is directly behind the church, expressed concern regarding the constant turnover of people so close to her home and the 30-foot entrance in relation to a 50-foot deeded driveway through the church site to her property. There was no one else present who wished to speak to this item, and the public hearing was closed. In response to questioning, City Planner Tom Martin stated that the 30-foot entrance to the site is a standard commercial entrance and should not impact the 50-foot deeded driveway. Pastor Parrish also stated that no structure would be built within 25 feet of either side of the 50-foot deeded driveway. On motion of Council Member Johnson, seconded by Vice Mayor Foster, Council by the following recorded vote adopted Resolution #R-04-130, as presented, granting the Conditional Use Permit:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Noes:

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// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #5 outlining the petition of Lynchburg College for a Conditional Use Permit to amend the Master Development Plan at 1501 Lakeside Drive to allow the construction of an apartment building for 104 students, associated parking areas and an addition to the Wake Field House in an R-2, Single-Family Residential District. City Planner Tom Martin outlined the request. Mr. John Lewis, Business Manager, provided a brief overview regarding the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Seiffert, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-04-131, as presented, granting the Conditional Use Permit:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Noes:

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// In the matter of Community Planning – Zoning, Mayor Hutcherson announced that at its earlier work session, City Council decided to postpone the request of Laird Lynchburg, LLC, to rezone approximately 2.2 acres in the 2400 Block of Langhorne Road to allow the construction of a pharmacy, and asked that a comprehensive study be done of the Midtown/Plaza area with recommendations to be forwarded to City Council as quickly as possible.

// On motion of Vice Mayor Foster, seconded by Council Member Johnson, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Noes:

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// The meeting was re-opened to the public.

// Council Member Johnson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Helgeson, and Council by the following recorded vote adopted the motion:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Appointments, and on nomination of Mayor Hutcherson, Council by the following recorded vote appointed Jewell E. Stoker to fill an unexpired term on the Museum Advisory Board ending June 30, 2005:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

On nomination of Mayor Hutcherson, Council by the following recorded vote re-appointed John S. Hellewell, Glenn McGrath and Bonnie Svrcek to serve on the Greater Lynchburg Transit Company Board for terms to expire October 31, 2007:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// The meeting was recessed at 8:13 P.M. to October 26, at 11:30 A.M. to meet with the Industrial Development Authority Board at Jonathan's Restaurant located in the Bank of the James Building, 828 Main Street.

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Clerk of Council